

12/10/2004 13:48 FAX

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**HellerEhrman**  
ATTORNEYS275 Middlefield Road  
Menlo Park, CA 94025-3506  
Main (650) 324-7000  
Fax (650) 324-0638**Facsimile Transmittal**

<b>App. No.:</b>	09/813,775	<b>Docket No.</b>	39766-0057CP2
<b>Filing Date:</b>	March 20, 2001	<b>Art Unit:</b>	1653
<b>First Inventor:</b>	Frederic DeSavage	<b>Examiner:</b>	Kam, Chih Min
<b>For:</b>	<i>Novel Chimpanzee Erythropoietin (CHEPO) Polypeptides and Nucleic Acids Encoding the Same</i>		

<b>To:</b>	U.S. Patent & Trademark Office		
<b>Telephone:</b>		<b>Fax:</b>	(703) 746-9195
<b>From:</b>	Leslie Mooi, Reg. No. 37,047		
<b>Telephone:</b>	650.324.6786		
<b>Fax:</b>	650.324.0638		
<b>No. of Pages:</b>	12 (including cover)	<b>Date:</b>	December 10, 2004

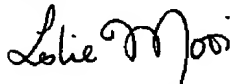
Dear Sir:

Attached are the following documents:

1. Fourth Request for Corrected Filing Receipt (2 pgs.);
2. Copy of Filing Receipt with corrections (2 pgs.); and
3. Copy of Petition filed in U.S.S.N. 60/287,594 on December 9, 2004 (7 pgs.).

Please charge any fee to our Deposit Account No. 08-1641, referencing attorney's docket number 39766-0057CP2. Thank you.

Respectfully,



Leslie Mooi, Reg. No. 37,047

**CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.6(d))**

I hereby certify that this correspondence is being transmitted by facsimile on December 10, 2004 to the United States Patent and Trademark Office at the facsimile number set forth above.

**Date:** December 10, 2004  
Rachel Mena

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Heller Ehrman White & McAuliffe LLP [www.hewm.com](http://www.hewm.com)

San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage New York Washington, D.C. Madison, WI  
Hong Kong Beijing Singapore Affiliated Offices: Milan Paris Rome

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: Kam, Chih Min
	)	
Frederic DeSAUVAGE, et al.	)	Art Unit: 1653
	)	
Application Serial No. 09/813,775	)	Attorney's Docket No. 39766-0057 CP2
	)	
Filed: March 20, 2001	)	Customer No. 25213
	)	
For: NOVEL CHIMPANZEE	)	
ERYTHROPOIETIN (CHEPO)	)	
POLYPEPTIDES AND NUCLEIC	)	
ACIDS ENCODING THE SAME	)	

## FOURTH REQUEST FOR CORRECTED FILING RECEIPT

Office of Initial Patent Examination's  
Filing Receipt Corrections  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

On November 30, 2004, Applicants received a Response to Request for Corrected Filing Receipt from the U.S. Patent and Trademark Office, instructing Applicants to file a petition in the first parent application, now U.S. Provisional Application Serial No. 60/287,594, filed May 7, 1999. Applicants hereby request that the Corrected Official Filing Receipt, a copy of which is enclosed, be corrected to reflect the true and correct domestic priority data as claimed by the applicant. Applicants also enclose a copy of the petition as filed in first parent application, U.S. Provisional Application Serial No. 60/287,594, filed May 7, 1999.

The Filing Receipt should state that this application is a continuation-in-part of Application Serial No. 09/552,265, filed on April 19, 2000, now Patent No. 6,555,343, which claims the benefit of U.S. Provisional Application Serial No. 60/287,594, filed May 7, 1999.

U.S. Provisional Application Serial No. 60/287,594 is the result of a conversion of utility application Serial No. 09/307,307, filed May 7, 1999. Applicants should be entitled to the May 7, 1999 filing date.

-1-

As the error cited in the Official Filing Receipt was incurred through the fault of the Patent Office, no fee is believed to be required. However, please charge any fees or credit overpayment to Deposit Account No. 08-1641, referencing Attorney's Docket No. 39766-0057 CP2). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: December 10, 2004

By: Leslie Mooi  
Leslie A. Mooi (Reg. No. 37,047)

**HELLER EHRMAN WHITE & McAULIFFE LLP**  
275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

SV 2086665 v1  
12/10/04 12:07 PM (39766.0057)

-2-

Request for Corrected Filing Receipt  
Application Serial No. 09/813,775  
Attorney's Docket No. 39766-0057 CP2



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Communications for Patents  
Washington, DC 20531  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/813,775	03/20/2001	1653	2560	GENENT.057CP2	7	44	16

CONFIRMATION NO. 2421

Ginger R Dreger  
Heller Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025

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MAY 02 2003

HELLER EHRMAN

CORRECTED FILING RECEIPT



\*OC000000009920929\*

Date Mailed: 04/28/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Frederic DeSavage, Foster City, CA;  
Dennis J. Henner, Pacifica, CA;

## Domestic Priority data as claimed by applicant

This application is a CIP of 09/552,265 04/19/2000 PAT 6,555,343  
which claims benefit of 60/287,594 03/28/2000 ABN

05/07/1999

## Foreign Applications

If Required, Foreign Filing License Granted: 05/22/2001

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

## Title

Novel chimpanzee erythropoietin (CHEPO) polypeptides and nucleic acids encoding the same

## Preliminary Class

DOCKETED-vrs

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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**NOT GRANTED**

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# HellerEhrman

ATTORNEYS

275 Middlefield Road  
Menlo Park, CA 94025-3506  
Main (650) 324-7000  
Fax (650) 324-0638

Facsimile Transmittal

COPY

App. No.: 60/287,594 Docket No. 39766-0057A  
Filing Date: May 7, 1999  
For: *Novel Chimpanzee Erythropoietin (Chepo) Polypeptides and Nucleic Acids Encoding the Same*

To: U.S. Patent & Trademark Office  
Telephone: Fax: 703.872.9306  
From: Leslie Mooi, Reg. No. 37,047  
Telephone: 650.324.6786  
Fax: 650.324.0638  
No. of Pages: 7 (including cover) Date: December 9, 2004

Dear Sir:

Attached are the following documents:

1. Petition for Corrected Filing Date and Request for Corrected Filing Receipt (2 pgs.);
2. Copy of May 4, 2001 Updated Filing Receipt with corrections (3 pgs.);
3. Copy of Decision on Petition dated May 3, 2001 (1 pg.).

Please charge any fee to our Deposit Account No. 08-1641, referencing attorney's docket number 39766-0057. Thank you.

Respectfully,

*Leslie Mooi*

Leslie Mooi, Reg. No. 37,047

## CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.6(d))

I hereby certify that this correspondence is being transmitted by facsimile on December 9, 2004 to the United States Patent and Trademark Office at the facsimile number set forth above.

Date: December 9, 2004

*Rachel Mena*  
Rachel Mena

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Heller Ehrman White & McAuliffe LLP www.hewm.com

San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage New York Washington, D.C. Madison, WI

05/17/01 16:45 FAX 415 954 4111

KNOBBE MARTENS et al

+ NPB

Page 1 of 3

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## UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FL FEE RECD	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	END CLAIMS
80/287,594	03/28/2000		1982	P1756	5		

05/07/1999

CONFIRMATION NO. 4661

UPDATED FILING RECEIPT



RECEIVED 0C000000005040610

 MARK T KRESNAK  
 GENENTECH INC  
 1 DNA WAY  
 SOUTH SAN FRANCISCO, CA 94080

MAY 08 2001

Date Mailed: 05/04/2001

 GENENTECH INC.  
 LEGAL DEPT.

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

 FREDERIC DESAUVAGE, FOSTER CITY, CA;  
 DENNIS J. HENNER, PACIFICA, CA;

If Required, Foreign Filing License Granted 05/26/1999

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

## Title

 NOVEL CHIMPANZEE ERYTHROPOIETIN POLYPEPTIDE AND NUCLEIC ACIDS  
 ENODING THE SAME

Data entry by : JOHNSON, ANGELA

Team : OIPE

Date: 05/04/2001

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.